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JUN 13 2002

PATENT  
UTSC:550

OFFICE OF PETITIONS

Substitute Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **INHIBITION OF BCL-2 PROTEIN EXPRESSION BY LIPOSOMAL ANTISENSE OLIGODEOXYNUCLEOTIDES**, the Specification of which:

is attached hereto.  
was filed on **September 22, 1999** as Application Serial No. **09/381,747**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
(Number)	(Country)	(Date Filed)	Yes/No
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which

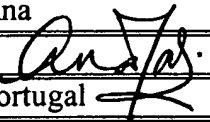
become available between the filing date of the prior application and the national or PCT international filing date of this application:


PCT/US97/18348	October 3, 1997	Pending
(Application Serial No.)	(Filing Date)	(Status)
08/726,211	October 4, 1996	Pending
(Application Serial No.)	(Filing Date)	(Status)

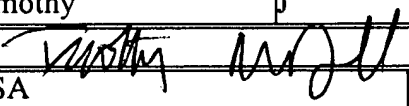
I hereby direct that all correspondence and telephone calls be addressed to David L. Parker, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Mar	Tormo
Inventor's Signature:	Non-signing inventor – completed on added page; also see petition under C.F.R. § 1.47	
Country of Citizenship:	Spain	Date:
Residence Address: (street, number, city, state, and/or country)	Paseo Valldigna 20, Los Monasterios, Valencia, Espana 46530.	
Post Office Address: (if different from above)		

Inventor's Full Name:	Ana	M	Tari
Inventor's Signature:			
Country of Citizenship:	Portugal	Date:	5/8/02
Residence Address: (street, number, city, state, and/or country)	2405 McClendon Street Houston, Texas 77030		
Post Office Address: (if different from above)			

Inventor's Full Name:	Gabriel	Lopez-Berestein
Inventor's Signature:		
Country of Citizenship:	USA	Date: 5/14/02
Residence Address: (street, number, city, state, and/or country)	122 Bellaire Court Bellaire, Texas 77603	
Post Office Address: (if different from above)		

Inventor's Full Name:	Timothy	McDonnell
Inventor's Signature:		
Country of Citizenship:	USA	Date: 5/9/02
Residence Address: (street, number, city, state, and/or country)	14103 Manderly Houston, Texas 77077	
Post Office Address: (if different from above)		

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**SIGNATURE BY JOINT INVENTOR(S) ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSES(S) TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

**WARNING:** "37 C.F.R. § 1.47(a) and 35 U.S.C. § 116 ¶ 2 require all available joint inventors to file an application 'on behalf' of themselves and on behalf of a joint inventor who 'cannot' be found or reached after diligent effort" "or who refuses to 'join in an application.'" M.P.E.P. § 409.03(a), 8<sup>th</sup> ed., August 2001. See also 62 Fed. Reg. 53, 131, 53, 137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) Mar Tormo

Nonsigning inventor who

☐ refuses to sign

☒ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Spain

Country of Citizenship of Nonsigning Inventor

Paseo Valldigna 20, Los Monasterios, Valencia, Espana 46530,

Last known Residential Address of Nonsigning Inventor

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement of Facts in Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e), 8<sup>th</sup> ed.

II. Accompanying this declaration is:

(1) **Statement of Facts in the Form of Declarations by 1. Cheryl McCants and 2. Priya Subramony in Support of Filing on Behalf of Nonsigning Inventor**

(2) **The Petition Fee of \$130.00 (37 CFR 1.17(h))**

Ana M. Tari

Name of joint inventor signing on behalf of  
nonsigning inventor

Signature

Gabriel Lopez-Berestein

Name of joint inventor signing on behalf of  
nonsigning inventor

Signature

Timothy J. McDonnell

Name of joint inventor signing on behalf of  
nonsigning inventor

Signature

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# 17

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Mar Tormo *et al.*

Serial No.: 09/381,747

Filed: September 22, 1999

For: INHIBITION OF BCL-2 PROTEIN  
EXPRESSION BY LIPOSOMAL  
ANTISENSE  
OLIGODEOXYNUCLEOTIDES

Group Art Unit: 1635

Examiner: Lacourciere, Karen A.

Atty. Dkt. No.: UTSC:550

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; David D. Bahler, Reg. No. 30,932; Christopher R. Benson, Reg. No. 31,941; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; Stephen D. Dellett, Reg. No. 32,564; William G. Barber, Reg. No. 33,154; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Daniel J. Brennan, Reg. No. 37,287; Steven L. Highlander, Reg. No. 37,642; Erik R. Nordstrom, Reg. No. 39,792; Stephen P. Meleen, Reg. No. 40,724; Robert E. Hanson, Reg. No. 42,628; Thomas M. Boyce, Reg. No. 43,508; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; Gina N. Shishima, Reg. No. 45,104; Charles P. Landrum, Reg. No. 46,855; and Priya D. Subramony, Reg. No. 50,939;

each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Priya D. Subramony  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512/474-5201

ASSIGNEE:  
BOARD OF REGENTS, THE UNIVERSITY  
OF TEXAS SYSTEM

By: 

Name: Cullen M. Godfrey  
Title: Vice Chancellor and General  
Counsel

Date: May 21, 2002

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frames: \_\_\_\_\_